

17-965 TRUMP V. HAWAII

DECISION BELOW: 2017 WL 6554184

LOWER COURT CASE NUMBER: 17-17168

QUESTION PRESENTED:

The Constitution and Acts of Congress confer on the President broad authority to prohibit or restrict the entry of aliens outside the United States when he deems it in the Nation's interest. Exercising that authority after a worldwide review by multiple government agencies of whether foreign governments provide sufficient information to screen their nationals, the President issued Proclamation No. 9645, 82 Fed. Reg. 45,161 (Sept. 27, 2017). In accordance with the recommendation of the Acting Secretary of Homeland Security following the multi-agency review, the Proclamation suspends entry, subject to exceptions and case-by-case waivers, of certain categories of aliens abroad from eight countries that do not share adequate information with the United States or that present other risk factors. The district court issued a preliminary injunction barring enforcement of the Proclamation's entry suspensions worldwide, except as to nationals of two countries. The court of appeals affirmed, except as to persons without a credible claim of a bona fide relationship with a person or entity in the United States. The courts concluded that the Proclamation likely violates the Immigration and Nationality Act.

The questions presented are:

1. Whether respondents' challenge to the President's suspension of entry of aliens abroad is justiciable.
2. Whether the Proclamation is a lawful exercise of the President's authority to suspend entry of aliens abroad.
3. Whether the global injunction is impermissibly overbroad.

In addition to the questions presented by the petition, the parties are directed to brief and argue Question 3 presented by the brief in opposition.

3. Whether Proclamation No. 9645 violates the Establishment Clause

CERT. GRANTED 1/19/2018